has imposed on one or more air carriers or foreign air carriers. The new procedures replace existing procedures under 14 CFR part 13, and impose no new substantive requirements on either carriers or airports. The only commenter to question the tentative conclusion in the NPRM that the economic effect of the proposed rule would be minimal was the Maryland Aviation Administration, which argues that "[t]he cost to provide expert witnesses and legal counsel if it is determined that there is a 'significant dispute' may well prove to be material." The Maryland Aviation Administration did not attempt to quantify the costs it believed involved. More importantly, it did not establish that the costs are actually the result of the procedural rules at issue here rather than the general cost of the litigation authorized by 49 U.S.C. 47129. Accordingly, the Department concludes that the economic impact of the final rule is minimal and that further calculation of the economic effects is not warranted.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. This rule contains procedural requirements for processing carrier complaints and airport requests. The Department concludes that the rule will not have a significant economic impact on a substantial number of small entities.

Federalism Implications

The final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

This rule contains no information collection requirements that require approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*).

Conclusion

Although the Department has concluded that the economic effects of this rulemaking are minimal, this rule is considered significant under Executive Order 12866 because of the public interest in this rulemaking. The Department certifies that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1978).

List of Subjects in 14 CFR Part 302

Administrative practice and procedure, Air carriers, Airports, Postal Service.

The Amendments

Accordingly, the Department of Transportation amends 14 CFR part 302 as follows:

PART 302—RULES OF PRACTICE IN PROCEEDINGS

1. The authority citation for 14 CFR Part 302 is revised to read:

Authority: 5 U.S.C. 551 *et seq.*; 39 U.S.C. 5402; 42 U.S.C. 4321; 49 U.S.C. 40101, 40102, 40113, 40114, Chapters 411–415, 41702, 41705, 41706, 41901, 41907, 41909, 41910, 42111, 46301, 46302, 46303, 46105, 47129.

2. A new subpart F is added to 14 CFR Part 302 to read as follows:

Subpart F—Rules Applicable to Proceedings Concerning Airport Fees

Sec.

302.601 Applicability of this subpart.
302.603 Complaint by an air carrier or foreign air carrier; request for determination by an airport owner or operator.

302.605 Contents of complaint or request for determination.

302.607 Answers to a complaint or request for determination.

302.609 Replies.

302.611 Review of complaints.

302.613 Review of requests for determination.

302.615 Decision by administrative law judge.

302.617 Petitions for discretionary review. 302.619 Completion of proceedings.

302.621 Final order.

Subpart F—Rules Applicable to Proceedings Concerning Airport Fees

§ 302.601 Applicability of this subpart.

(a) This subpart contains the specific rules that apply to a complaint filed by one or more air carriers or foreign air carriers, pursuant to 49 U.S.C. 47129 (a), for a determination of the reasonableness of a fee increase or a

newly established fee for aeronautical uses that is imposed upon the air carrier or foreign air carrier by the owner or operator of an airport. This subpart also applies to requests by the owner or operator of an airport for such a determination. An airport owner or operator has imposed a fee on an air carrier or foreign air carrier when it has taken all steps necessary under its procedures to establish the fee, whether or not the fee is being collected or carriers are currently required to pay it.

(b) This subpart does not apply to—

(1) A fee imposed pursuant to a written agreement with air carriers or foreign air carriers using the facilities of an airport;

(2) Å fee imposed pursuant to a financing agreement or covenant entered into prior to August 23, 1994; or

(3) Any other existing fee not in dispute as of August 23, 1994.

§ 302.603 Complaint by an air carrier or foreign air carrier; request for determination by an airport owner or operator.

(a) Any air carrier or foreign air carrier may file a complaint with the Secretary for a determination as to the reasonableness of any fee imposed on the carrier by the owner or operator of an airport. Any airport owner or operator may also request such a determination with respect to a fee it has imposed on one or more air carriers. The complaint or request for determination shall conform to the requirements of this subpart and § 302.3 concerning the form and filing of documents.

(b) If an air carrier or foreign air carrier has previously filed a complaint with respect to the same airport fee or fees, any complaint by another carrier and any airport request for determination shall be filed no later than 7 calendar days following the initial complaint. In addition, all complaints or requests for determination must be filed on or before the 60th day after the carrier receives written notice of the imposition of the new fee or the imposition of the increase in the fee.

(c) To ensure an orderly disposition of the matter, all complaints and any request for determination filed with respect to the same airport fee or fees will be considered in a consolidated proceeding, as provided in §§ 302.611 and 302.613.

§ 302.605 Contents of complaint or request for determination.

(a) The complaint or request for determination shall set forth the entire grounds for requesting a determination of the reasonableness of the airport fee.